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03140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3751 :  
Examiner \_\_\_\_\_ :  
In re application of :  
Wade Spicer : Improved Base Structure For  
Modular Above Ground Swimming  
Pools  
Serial No. 10/696,337 :  
Filed October 28, 2003 :

INFORMATION DISCLOSURE STATEMENT

Coudersport, Pennsylvania 16915

February 5, 2004

Mail Stop Non-Fee Amendment, Commissioner for Patents

PO Box 1450, Alexandria VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §§ 1.51, 1.56 and 1.97-1.99, Applicant identifies the art set forth on PTO Form PTO/SB/08B as references in connection with this case.

Alpha pamphlet.

Spectra 5300 "Simply The Best", The Official Pool of Summer, Cornelius pamphlet.

Ashton, The Official Pool of Summer, Cornelius pamphlet.

Solex, The Official Pool of Summer, Cornelius pamphlet.

5400 Lifestyle Cast Resin Pools, Aurora pamphlet.

Where Imagination Swims Wild, Aqua Leader pamphlet.

Aymes, U.S. Patent 5,720,056, discloses an above-ground swimming pool with spillway. This patent is of general interest.

Aymes, U.S. Patent 5,231,807, discloses a swimming pool

support structure which include upright members 12 having a foot portion 16 of multiple polymeric materials. As shown in Figure 19, the foot portion 16 includes a bearing plate component 164 integral with the external casing or shell 166 which is continuous with main body 1 of upright member 12. The lower bearing plate is external to the upright, rather than internal, as shown in Figure 17 and is a separate piece requiring construction by bolts or other fastening elements.

Kaufmann et al., U.S. Patent 4,062,158, discloses a prefabricated swimming pool construction which includes bottom rail portions 37.

Shaanan et al., U.S. Patent 5,875,500, discloses an above-ground swimming pool including track segments 84 (fake 10).

None of the references cited herein teach or suggest Applicant's claimed invention.

It is respectfully submitted that the present application is in a proper form for allowance. Such action is respectfully requested at an early date.

Applicant or his patent attorney may have been exposed to or considered art relating to the general class of the subject invention. However, if in fact such exposure or consideration has occurred, to the best of their recollection and judgment,

none of such art is prior art which is believed to be material to this application.

Respectfully submitted,

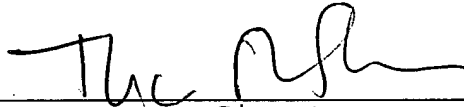


Thomas R. Shaffer  
Registration No. 30,325  
Attorney for Applicant

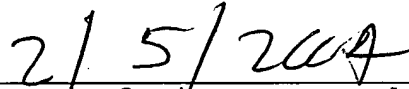
Glassmire & Shaffer Law Offices, P.C.  
5 East Third Street, P.O. Box 509  
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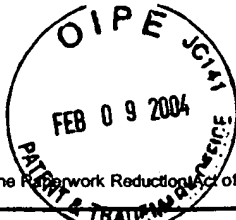


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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/696,337
		Filing Date	October 28, 2003
		First Named Inventor	Wade Spieer
		Art Unit	3751
		Examiner Name	
Sheet 2 of 5	Attorney Docket Number	03140	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Alpha pamphlet	
		Spectra 5300 "Simply the Best", The Official Pool of Summer, Cornelius pamphlet	
		Ashton, The Official Pool of Summer, Cornelius pamphlet	
		Solex, The Official Pool of Summer, Cornelius pamphlet	
		5400 Lifestyle Cast Resin Pools, Aurora pamphlet	
		Where Imagination Swims Wild, Aqua Leader pamphlet	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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